



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the Application

Inventors: Kenichi MIYOSHI, et al. Art Unit: 2682
Application No.: 10/069,396
Filed: February 26, 2002
For: RADIO BASE STATION APPARATUS AND RADIO
COMMUNICATION METHOD

CERTIFICATION UNDER 37 CFR \$1.97(e)(1)

RECEIVED

Assistant Commissioner of Patents
Washington, DC 20231

JUN 24 2004

Technology Center 2600

Dear Sir:

In fulfillment of 37 CFR 1.97(c)(1) and 1.97(e)(1), it is hereby certified that each item of information contained in the attached Information Disclosure Statement was first cited in any communication (see the attached copy of a Japanese Office Action dated March 30, 2004) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

James E. Ledbetter
Registration No. 28,732

Date: June 23, 2004

JEL/spp

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INFORMATION DISCLOSURE STATEMENT

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Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. All of these references were cited in a Japanese Office Action dated March 30, 2004 (English translation attached). US '405 corresponds to JP '190.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,

James E. Ledbetter
Registration No. 28,732

Date: June 23, 2004

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FORM PTO-1449
(Rev. 4/92)

U.S. Department of Commerce
Patent and Trademark Office

ATTY. DOCKET NO.

L9289.02123

SERIAL NO.

10/069,396

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT

Kenichi MIYOSHI, et al.

FILING DATE

February 26, 2002

GROUP

2682

PATENT DOCUMENTS[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Japanese Office Action dated March 30, 2004 with English translation.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.